

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of this response. Claims 1-52 are currently pending.

### **I. SUBSTANCE OF THE MARCH 9, 2006 PERSONAL INTERVIEW**

Applicant thanks the Examiner for granting a personal interview with Applicant's Representative on March 9, 2006. During the March 9, 2006 Interview, the Examiner indicated that if Applicant could disqualify U.S. Patent No. 6,266,539 ("Pardo") and U.S. Provisional Patent Application No. 60/098,187 ("Graham") as prior art references under 35 U.S.C. §§ 102 or 103, and amended independent claims 13, 16, 17, 23, 25, 27, 30, 37, 39, 41, 44 and 49 to be directed to "Internet telephony," the present application should be in condition for allowance.<sup>1</sup>

Applicant has filed herewith an Affidavit under 37 C.F.R. § 1.131 disqualifying U.S. Patent No. 6,266,539 ("Pardo") and U.S. Provisional Patent Application No. 60/098,187 ("Graham") as prior art references under 35 U.S.C. §§ 102 or 103, and amended independent claims 13, 16, 17, 23, 25, 27, 30, 37, 39, 41, 44 and 49 as requested by the Examiner. Therefore, the present application is in condition for allowance.

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<sup>1</sup> March 24, 2006 Interview Summary.

## **II. PRIOR ART REJECTIONS**

### **A. CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103**

#### **1. CLAIMS 16, 18, 30, 33, 44, 46 AND 52 ARE IN CONDITION FOR ALLOWANCE BECAUSE PARDO IS NO LONGER A VALID PRIOR ART REFERENCE UNDER 35 U.S.C. §§ 102 OR 103.**

Claims 16, 18, 30, 33, 44, 46 and 52 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,266,539 ("Pardo"). Although Applicant does not admit that Pardo is relevant to any of claims 16, 18, 30, 33, 44, 46 and/or 52 and maintains the arguments previously set forth, Applicant attaches a Rule 1.131 Declaration and Exhibit A to antedate Pardo, thereby removing Pardo as prior art. Therefore, Applicant requests allowance of claims 16, 18, 30, 33, 44, 46 and 52 because Pardo is no longer a valid prior art reference under 35 U.S.C. §§ 102 or 103.

#### **2. CLAIMS 16-18, 30-33, 44-46 AND 52 ARE IN CONDITION FOR ALLOWANCE BECAUSE NEITHER GRAHAM NOR PARDO IS PRIOR ART UNDER 35 U.S.C. §§ 102 OR 103 AND CLAIMS 13, 16, 17, 30 AND 44 HAVE BEEN AMENDED AS REQUESTED BY THE EXAMINER.**

Claims 16-18, 30-33, 44-46 and 52 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,799,068 ("Kikinis"). Applicant has amended independent claims 16, 17, 30 and 44 as requested by the Examiner during the March 9, 2006 Interview, and has disqualified both Graham and Pardo as prior art under 35 U.S.C. §§ 102 or 103.<sup>2</sup> Therefore, allowance of claims 16-18, 30-33 and 44-46 because neither Graham nor Pardo is prior art under 35 U.S.C. §§ 102 or 103 and claims 13, 16, 17, 30 and 44 have been amended as requested by the Examiner.

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<sup>2</sup> March 24, 2006 Interview Summary.

**3. CLAIMS 16, 18, 30, 33, 44, 46 AND 52 ARE IN CONDITION FOR ALLOWANCE BECAUSE GRAHAM IS NO LONGER A VALID PRIOR ART REFERENCE UNDER 35 U.S.C. §§ 102 OR 103.**

Claims 16, 18, 30, 33, 44, 46 and 52 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Provisional Patent No. 60/098,187 ("Graham"). Although Applicant does not admit that Graham is relevant to any of claims 16, 18, 30, 33, 44, 46 and 52 and maintains the arguments previously set forth, Applicant attaches a Rule 1.131 Declaration and Exhibit A to antedate Graham, thereby removing Graham as prior art. Therefore, Applicant requests allowance of claims 16, 18, 30, 33, 44, 46 and 52 because Graham is no longer a valid prior art reference under 35 U.S.C. §§ 102 or 103.

**4. CLAIMS 1-3, 5-11, 19-24, 34-38, 47 AND 48 ARE IN CONDITION FOR ALLOWANCE BECAUSE, BY THE EXAMINER'S OWN ADMISSION, MATTAWAY FAILS TO TEACH ALL FEATURES OF CLAIMS 1-3, 5-11, 19-24, 34-38, 47 AND 48.**

Claims 1-3, 5-11, 19-24, 34-38, 47 and 48 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Graham in view of U.S. Patent No. 6,009,469 ("Mattaway"). Although Applicant does not admit that Graham is relevant to any of claims 16, 18, 30, 33, 44 and 46 and maintains the arguments previously set forth, Applicant attaches a Rule 1.131 Declaration and Exhibit A to antedate Graham, thereby removing Graham as prior art.

Absent the Graham reference, claims 1-3, 5-11, 19-24, 34-38, 47 and 48 are in condition for allowance because, by the Examiner's own admission,

Mattaway fails to teach all features of claims 1-3, 5-11, 19-24, 34-38, 47 and 48.

**5. CLAIMS 4, 12, 25, 26, 39 AND 40 ARE IN CONDITION FOR ALLOWANCE BECAUSE, BY THE EXAMINER'S OWN ADMISSION, NEITHER MATTAWAY NOR KIKINIS, TAKEN SINGLY OR IN COMBINATION, TEACHES OR SUGGESTS ALL FEATURES OF CLAIMS 4, 12, 25, 26, 39 AND 40.**

Claims 4, 12, 25, 26, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Graham in view of Mattaway and Kikinis. Although Applicant does not admit that Graham is relevant to any of claims 16, 18, 30, 33, 44 and 46 and maintains the arguments previously set forth, Applicant attaches a Rule 1.131 Declaration and Exhibit A to antedate Graham, thereby removing Graham as prior art.

Absent the Graham reference, claims 4, 12, 25, 26, 39 and 40 are in condition for allowance because, by the Examiner's own admission, neither Mattaway nor Kikinis, taken singly or in combination, teaches or suggests all features of claims 4, 12, 25, 26, 39 and 40.

**6. CLAIMS 13-15, 27-29, 41-43 AND 49-51 ARE IN CONDITION FOR ALLOWANCE BECAUSE, BY THE EXAMINER'S OWN ADMISSION, KIKINIS FAILS TO TEACH ALL FEATURES OF CLAIMS 13-15, 27-29, 41-43 AND 49-51.**

Claims 13-15, 27-29, 41-43 and 49-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kikinis in view of Graham. Although Applicant does not admit that Graham is relevant to any of claims 13-15, 27-29, 41-43 and 49-51 and maintains the arguments previously set forth, Applicant attaches a Rule 1.131 Declaration and Exhibit A to antedate Graham, thereby removing Graham as prior art.

Absent the Graham reference, claims 13-15, 27-29, 41-43 and 49-51 are in condition for allowance because, by the Examiner's own admission, Kikinis fails to teach all features of claims 13-15, 27-29, 41-43 and 49-51.

### **III. CONCLUSION**

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

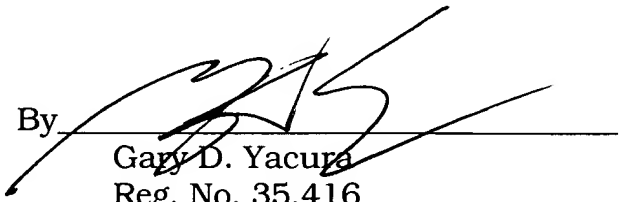
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By



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Attachments: Rule 1.131 Declaration;  
Exhibit A